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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
10/644,425	8/20/2003	Pierre-Yves Sibille	2002P13423US01

Response To non-Final Official Action

EXAMINER	
Moutaouakil, Mounir	
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REMARKS

Claims 1-29 are pending in the application with claims 1, 12 and 21 being independent. Claims 1 and 12 have been amended to better specify the respective claimed invention. Support for the amendments to claims 1 and 12 may be found at least at page 10, line 1 to page 11, line 19, in view of Figure 3. Claims 21-28 are newly added and are submitted to be patentable over the prior art of record. The specification has been amended for grammatical or editorial reasons as shown above and to include reference numeral 111. The drawings have been amended; specifically Figure 1 has been amended to add reference numeral 111. No new matter is added. Reconsideration of the application is respectfully requested in view of the above amendments and following remarks.

Rejections Under 35 U.S.C. §102(e)

Claims 1-18 have been rejected under 35 U.S.C. 102(e) as being unpatentable over U.S. Patent 6,822,961 to Constantinof *et al.* ("Constantinof"). Applicant respectfully traverses this rejection.

For anticipation of a claim under 35 U.S.C. § 102, a single prior art reference must contain each and every limitation of the claim, either expressly or under the doctrine of inherency. *Constant v. Advanced Micro-Devices, Inc.*, 848 F.2d 1560, 1570 (Fed. Cir.), cert. denied, 488 U.S. 892 (1988). To "contain" the limitation the reference must explicitly describe the limitation, or describe an operation inherently requiring the limitation, completely enough to place limitation "in the possession of the public." *In re Epstein*, 32 F.3d 1559, 31 USPQd 1817 (Fed. Cir. 1994). For a reference to inherently have a limitation the reference must describe an apparatus or method which must have the subject limitation to operate in the manner that is described. See *Continental Can Company USA, Inc. v. Monsanto Co.*, 948 F.2d 1264, 20 USPQd 1746 (Fed. Cir. 1991). Applicant submits that the Constantinof reference does not contain or describe each and every limitation of the subject matter of the claimed invention.

Independent claim 1 recites in part:

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mapping at least a portion of the first protocol to the second protocol; and
 inserting a first signal of the first protocol into a second signal of the second protocol according to the mapping, wherein the inserted first signal is employed in the control of the bearer connection, wherein a portion of the second protocol is redefined as a private field to receive the inserted first signal. (Emphasis added)

And, independent claim 12, recites, in part:

a gateway that inserts the first signal translated by the translator into the second signal, wherein the inserted first signal is employed in the control of the bearer connection, and wherein a portion of the second protocol is redefined as a private field to receive the inserted first signal. (Emphasis added)

Constantinof is directed to a method and apparatus for call setup rates in an ATM network using cached SVCs to reduce call setup time (col. 4, lines 48-50). An ATM network 20 is configured with edge device interfaces to enable switched traffic to be transferred to the ATM network (col. 5, lines 5-9). The edge devices may also convert IP packets to ATM cells and vice versa (col. 5, lines 17-19). In order to facilitate call setup rates, while efficiently using available bandwidth in the ATM network 20, the edge device interfaces 26 are enabled to setup cached SVCs through the ATM network 20 (col. 5, lines 37-42). As shown in relation to Fig. 3 of Constantinof, the SVCs are used to signal connection requests (via SS7) by using SVCs.

However, nowhere does Constantinof disclose or suggest "wherein a portion of the second protocol is redefined as a private field to receive the inserted first signal," as required by claim 1, and similarly by claim 12. Moreover, Constantinof fails to disclose or suggest that the inserted first signal (in the private field) is employed in the control of the bearer connection. Constantinof is concerned with the creation of SVCs to convey control information and is generally not concerned with redefining fields, specifically in the manner recited by Independent claims 1 and 12.

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For at least these reasons, Applicants submit that Constantinof (and the other art of record whether taken singly or in combination) fails to disclose or suggest all the claimed limitations. Therefore Applicants submit that independent claims 1 and 12 are allowable over the art of record.

As to dependent claims 2-11 and 13-20, Applicants submit that these claims depend from a respective allowable Independent claim and are therefore also allowable. However, many of these dependent claims are patentable over Constantinof. For example, as to claim 7, Constantinof simply fails to disclose translating the IP address into a signal suitable for insertion into an area within a network prefix of the ATM address.

Also, as another example, in reference to claim 8, at the passage (Constantinof col. 5, lines 5-19) cited in the Office Action, Constantinof wholly fails to disclose or suggest "wherein the step of mapping redefines a portion of the network address field following an authority and format identifier," as required by claim 8 [at page 3]. This concept is simply not found anywhere in Constantinof. Contrary the statement in the Office Action: "Inherently, it is a designer's choice to modify and redefine the prefix field of the ATM address as long as it does not violate standard ITU or ATM Forum addressing rules," Applicants' submit that this statement is irrelevant. Claim 8 requires specific limitations.

Applicants submit that 35 U.S.C. §102(e) rejections over claims 1-18 should now be withdrawn.

Rejections Under 35 U.S.C. §103(a)

Claims 19 and 20 have been rejected under 35 U.S.C. 103(a) as being unpatentable over Constantinof in view of U.S. Patent Publication No. US 2003/0112761 to Sen. Applicants respectfully traverse this rejection.

Claims 19 and 20 depend from allowable independent claim 12 and for at least this reason are also allowable.

The rejection under 35 U.S.C. §103(a) should now be withdrawn.

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Newly Added Claims

Support for new claims 21 to 29 may be found at least at page 10, line 1 to page 13, line 7, in view of Figs. 2-5.

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Conclusion

In view of the foregoing amendments and remarks, Applicant submits that all of the rejections have been properly addressed or rendered moot and request prompt reconsideration and allowance.

The Examiner is invited to contact the undersigned at the telephone number listed below, if needed. Applicant hereby makes a written petition for extension of time if needed. Please charge any deficiencies and credit any overpayment of fees to Deposit Account No. 19-2179.

Respectfully submitted,



PLEASE DIRECT ALL WRITTEN
CORRESPONDENCE TO:
Nokia Siemens Networks USA LLC
170 Wood Avenue South
Iselin, NJ 08830

Brian K. Johnson, Reg. No. 46,808
Attorney for Applicant(s)
phone +1-732-321-3017
fax +1-732-590-6411
email brian.johnson@nsn.com